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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/690,405-Conf. #5945	
	Filing Date	October 20, 2003	
	First Named Inventor	Sung T. Jung	
	Art Unit	2688	
	Examiner Name	J. E. Stein	
Total Number of Pages in This Submission	4	Attorney Docket Number	02598/0200138-USO

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply - Restriction	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Raffaele A. DeMarco		
Date	January 12, 2006	Reg. No.	54,061


Attorney Docket No.: 02598/0200138-US0

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Response to Restriction Requirement (3 pages)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Patent Application of:
Sung T. Jung et al.

Application No.: 10/690,405

Confirmation No.: 5945

Filed: October 20, 2003

Art Unit: 2688

For: SLIDE TYPE CELLULAR PHONE AND
SLIDING METHOD THEREOF

Examiner: J. E. Stein

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action dated December 12, 2005, please enter the following election in the above-identified application:

Applicant acknowledges the courtesy and effort extended by the Examiner in making a telephone call to request a restriction election to Applicant's attorney.

The Examiner has required restriction among the following Groups:

Group I: Claims 1-12 drawn to a slidable cellular phone having a shaft and pinion in order to be rotated by a power transmitting unit, classified in class 455, subclass 575.4;

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Group II: Claims 13-35 drawn to a slidable cellular phone having a speaker and microphone, said slidable cellular phone, which generates a friction force, classified in class 455, subclass 575.4; and

Group III: Claims 36 to 54, drawn to a cellular phone in which various methods of determining whether to terminate the sliding operation of the phone are recited, including overload, a predetermined period of time, and the number of rotations, classified in class 455, subclass 575.4.

In response Applicants elect Group I (claims 1-12) **with traverse**.

Under the applicable Patent Office examining procedures, "if the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine them on the merits, even though it includes claims to independent or distinct inventions." See, M.P.E.P. § 803 (emphasis added). A thorough search of the subject matter of claims 1-12 of Group I would necessarily include a search of the subject matter of the claims of Groups II and III as they all involve a search of the same class and subclass of invention. Examination together of the Group I, II and III claims in the instant application is therefore appropriate and would not present an undue burden on the Examiner. Moreover, "where the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions." See, M.P.E.P. § 808.02(C).

Additionally, the Examiner states that Groups I and II are subcombinations disclosed as usable together in a single combination (MPEP § 806.05(d)). Applicants submit that the claims of Groups I and II each recite a slidable cellular phone. Groups I and II do not recite subcombinations that are disclosed as usable together in a single combination as contended by the Examiner.

Applicants respectfully request that the restriction be withdrawn.

CONCLUSION

In view of the above remarks, withdrawal of the restriction requirement and action on the merits is respectfully requested.

Dated: January 12, 2006

Respectfully submitted,

By 

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